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COUNSEL FOR PLAINTIFF

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

PEIXIA CHEN,

Plaintiff,

v.

HD PREMIER INC, and

Defendant.

Civil Action No. _____

**COMPLAINT FOR COPYRIGHT
INFRINGEMENT**

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT

Plaintiff Peixia Chen (“PC” or “Plaintiff”) files this Original Complaint for copyright infringement against Defendant HD Premier Inc., (“HD” or “Defendant”) and alleges as follows:

THE PARTIES

1. Plaintiff Peixia Chen is an individual residing in Shenzhen, China.

2. Upon information and belief, Defendant HD Premier Inc., is a corporation formed under the laws of the State of Delaware, with a principal place of business at 27762 Antonio Pkwy Unit L1-221, Ladera Ranch, California 92694.

3. Upon information and belief, Defendant may be served through its registered agent: The Company Corporation, 251 Little Falls Drive, Wilmington, DE 19808. Additionally, Defendant has agreed via its Amazon Counter Notice to accept service at the email address of alex@hdpremier.com.

JURISDICTION AND VENUE

4. This action arises under the Copyright Act of 1976, Title 17 U.S.C., § 101 *et seq.*

5. This Court has federal question jurisdiction under 28 U.S.C. § 1331 and 1338 (a) and (b).

6. Venue in this judicial district is proper under 28 U.S.C. § 1400(a) as Defendant has committed acts of infringement and has a regular and established place of business in this District. Additionally, Defendant per its Amazon Counter Notice has stated under penalty of perjury that “I am located in the United States and I consent to the jurisdiction of the Federal District Court for the judicial district in which my address is located.”

CLAIMS RELATED TO DESIGNS 2-DIRT & 2-GRASS & 2-TNT

7. Prior to the conduct complained of herein, Plaintiff composed original two-dimensional artwork for the purposes of printing on pixel cubes. Plaintiff allocated the designs the names 2-DIRT & 2-GRASS & 2-TNT. (hereinafter the “Subject Designs”)




8. The Subject Designs are original creations of Plaintiff and Plaintiff's design team, and are, at all relevant times were, owned exclusively by Plaintiff.

9. Plaintiff applied for and received two Certificates of Registration (VAu001497831 and VAu001497841) from the United States Copyright Office covering the Subject Designs.

10. Plaintiff sells its products thru its website www.soyeeglobal.com under the Soyee brand, which include products having the Subject Designs.

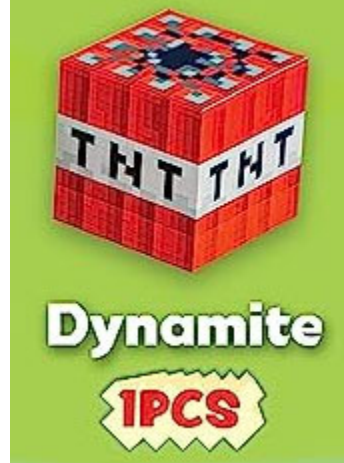
11. Plaintiff is informed and believes and thereon alleges that, without Plaintiff's authorization, Defendant created, sold, manufactured, caused to be manufactured, and distributed magnetic pixel cubes comprised, at least in part, featuring three design that are identical, or substantially similar, to the Subject Designs (hereinafter the "Accused Product"). Such Accused Product includes, but is not limited to the following:

- a. Magnetic pixel cub sold on Amazon with the ASIN B0C37Y5H3B bearing the label BrainSpark

Subject Design:	Accused Product:
<div data-bbox="207 1329 448 1549">  </div> <div data-bbox="492 1329 732 1549">  </div> <div data-bbox="212 1560 451 1686"> <p>blocks for magnetic world 2-dirt</p> </div> <div data-bbox="496 1560 735 1686"> <p>blocks for magnetic world 2-grass</p> </div>	<div data-bbox="760 1329 1414 1696">  </div> <div data-bbox="792 1539 906 1623"> <p>Grass 15PCS</p> </div> <div data-bbox="995 1539 1133 1623"> <p>Flowers 2PCS</p> </div> <div data-bbox="1239 1539 1344 1623"> <p>Dirt 4PCS</p> </div>



blocks for
magnetic world
2-tnt



12. The above comparisons make apparent that the elements, composition, colors, arrangement, layout, and appearance of the designs on the Accused Product at issue are substantially similar to the Subject Designs.

13. Plaintiff notified Defendant via Amazon dispute resolution and submitted a copyright infringement complaint on June 17, 2023. On June 22, 2023, Defendant responded via a Counter Notice.

14. Defendant has committed copyright infringement with actual knowledge of Plaintiff's rights, and/or in blatant disregard for Plaintiff's rights, such that said acts of copyright infringement were, and continue to be, willful, intentional and malicious, subjecting Defendant to liability for statutory damages under Section 504(c)(2) of the Copyright Act in the sum of up to one hundred fifty thousand dollars (\$150,000.00) per infringement.

CLAIM I – INFRINGEMENT OF COPYRIGHT REG. VAu001497831

15. On March 30, 2023, VAu001497831 (the "'831 Copyright") was registered by the US Copyright Office.

16. The '831 Copyright includes the 2-DIRT and 2-GRASS designs.

17. Plaintiff is informed and believes and thereon alleges that Defendant, and had access to the Subject Designs, including, without limitation, through (a)

1 access to Plaintiff's products and website; (b) access to illegally distributed copies
2 of the Subject Designs by third-party vendors and/or, including without limitation
3 international and/or overseas converters and suppliers; and (c) access to Plaintiff's
4 strike-manufacturers.

5 18. Plaintiff is informed and believes and thereon alleges that Defendant
6 infringed Plaintiff's copyrights by creating, making, and/or developing directly
7 infringing and/or derivative works from the Subject Designs and by producing,
8 distributing and/or selling magnetic pixel cubes which infringe the Subject Designs
9 through a nationwide network of retail stores, catalogues, and through on-line
10 websites.

11 19. Due to Defendant's acts of infringement, Plaintiff has suffered
12 substantial damages to its business in an amount to be established at trial.

13 20. Due to Defendant's acts of infringement, Plaintiff has suffered general
14 and special damages in an amount to be established at trial.

15 21. Due to Defendant's acts of copyright infringement as alleged herein,
16 Defendant has obtained direct and indirect profits they would not otherwise have
17 realized but for their infringement of the Subject Designs. As such, Plaintiff is
18 entitled to disgorgement of Defendant's profits directly and indirectly attributable to
19 Defendant's infringement of the Subject Designs in an amount to be established at
20 trial.

21 22. Plaintiff is informed and believes and thereon alleges that Defendant
22 has committed acts of copyright infringement, as alleged above, which were willful,
23 intentional, and malicious, which further subjects Defendant to liability for statutory
24 damages under Section 504(c)(2) of the Copyright Act in the sum of up to one
25 hundred fifty thousand dollars (\$150,000.00) per infringement. Within the time
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permitted by law, Plaintiff will make its election between actual damages and statutory damages.

CLAIM II – INFRINGEMENT OF COPYRIGHT REG. VAu001497841

23. On March 31, 2023, VAu001497841 (the “’841 Copyright”) was registered by the US Copyright Office.

24. The ‘841 Copyright includes the 2-TNT design.

25. Plaintiff is informed and believes and thereon alleges that Defendant, and had access to the Subject Designs, including, without limitation, through (a) access to Plaintiff’s products and website; (b) access to illegally distributed copies of the Subject Designs by third-party vendors and/or, including without limitation international and/or overseas converters and suppliers; and (c) access to Plaintiff’s strike-manufacturers.

26. Plaintiff is informed and believes and thereon alleges that Defendant infringed Plaintiff’s copyrights by creating, making, and/or developing directly infringing and/or derivative works from the Subject Designs and by producing, distributing and/or selling magnetic pixel cubes which infringe the Subject Designs through a nationwide network of retail stores, catalogues, and through on-line websites.

27. Due to Defendant’s acts of infringement, Plaintiff has suffered substantial damages to its business in an amount to be established at trial.

28. Due to Defendant’s acts of infringement, Plaintiff has suffered general and special damages in an amount to be established at trial.

29. Due to Defendant’s acts of copyright infringement as alleged herein, Defendant has obtained direct and indirect profits they would not otherwise have realized but for their infringement of the Subject Designs. As such, Plaintiff is entitled to disgorgement of Defendant’s profits directly and indirectly attributable to

1 Defendant's infringement of the Subject Designs in an amount to be established at
2 trial.

3 30. Plaintiff is informed and believes and thereon alleges that Defendant
4 has committed acts of copyright infringement, as alleged above, which were willful,
5 intentional, and malicious, which further subjects Defendant to liability for statutory
6 damages under Section 504(c)(2) of the Copyright Act in the sum of up to one
7 hundred fifty thousand dollars (\$150,000.00) per infringement. Within the time
8 permitted by law, Plaintiff will make its election between actual damages and
9 statutory damages.

10 **PRAYER FOR RELIEF**

11 WHEREFORE, Plaintiff respectfully requests:

- 12 A. That Defendant, its agents and employees be enjoined from infringing
13 Plaintiff's copyrights in any manner, specifically those for the Subject
14 Designs;
15
16 b. That Plaintiff be awarded all profits of Defendant plus all losses of
17 Plaintiff, plus any other monetary advantage gained by the Defendant
18 through its infringement, the exact sum to be proven at the time of trial, or,
19 if elected before final judgment, statutory damages as available under the
20 Copyright Act, 17 U.S.C. § 505 et seq.;
- 21 c. That a trust be imposed over the revenues derived by Defendant through
22 the sales or distribution of the product at issue;
- 23 d. That Plaintiff be awarded its attorneys' fees as available under the
24 Copyright Act, 17 U.S.C. § 505 et seq.;
- 25 e. That Defendant account to Plaintiff for their profits and any damages
26 sustained by Plaintiff arising from the foregoing acts of infringement;
- 27 f. That Plaintiff be awarded pre-judgment interest as allowed by law;
- 28

1 g. That Plaintiff be awarded the costs of this action; and

2 h. That Plaintiff be awarded such further legal and equitable relief as the
3 Court deems proper.

4 **DEMAND FOR JURY TRIAL**

5 Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff
6 respectfully demands a trial by jury on all issues triable by jury.
7

8 DATED: July 6, 2023

Respectfully submitted,

9
10 By: /s/ Steven W. Ritcheson
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24 *COUNSEL FOR PLAINTIFF*
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CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of July, 2023, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Central District of California using the electronic case filing system of the court. A true and complete copy of the foregoing document has been served upon all counsel of record.

/s/ Steven W. Ritcheson